

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 21 and 22 are pending in this application. Claims 21 and 22 are independent and are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Support for this amendment is provided throughout the Specification as originally filed.

No new matter has been introduced by this amendment. Changes to claims are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

### **II. SUPPORT FOR AMENDMENTS**

Support for the amendments made herein are found in the as-filed specification and, for example, in Publ. App. pars. [0084]-[0086], and [0122]-[0125].

### III. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 20 and 21 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 7,039,599 to Merriman, et al. (hereinafter, merely “Merriman”)

Applicants respectfully traverse these rejections.

Claim 22 is representative and recites, *inter alia*:

“receiving an information picture, the information picture including a picture image and related information as a single handling unit,

...  
wherein each of a plurality of operations comprise a specific predetermined operation and instructions;

...  
displaying the picture image;

...  
displaying, in response to selection of the picture image, at least one related information;  
executing processing of first corresponding predetermined operation based on the at least one related information, and in the case where there exist plural related information, executing processing second corresponding predetermined operation based on a selected one of the related information . . .”

The “information picture” is related information which forms basis to cause a predetermined operation when specific operation instruction is given and picture information are caused to be one handling unit. Publ. App. par. [0084].

The “predetermined operation” includes processing of all information which relates to information that is related information which can be realized at the terminal. Publ. App. par. [0085].

The “related information” is information including information which forms the basis of corresponding operation to allow the operator to carry out specific operation with a picture image as a guide. In more practical sense, the “related information” is information related to picture

information. For example, in the case where there is a need to allow the operator of client to make reference to information existing in specific server, information for specifying that information (URL or IP address, etc.) corresponds to the "related information". Moreover, in the case where there is a need to operate specific program, the related information may be corresponding program name or the program itself. For example, the related information may be indication information for acquiring new picture information from server, etc. Publ. App. par. [0086].

These definitions have been provided in the as-filed specification and must be used when construing the claims. MPEP 2111.01(IV); see, also, *Phillips v. AWH Corp.*, 415 F.3d 1303, 1319 (Fed. Cir. 2004) ("Claims are construed in light of the specification, of which they are a part").

In the invention as claimed in claim 22, an information picture includes a picture image and related information. The picture image, when selected, provides the related information. That is, one or more information related to the selected picture image. The related information can include executable processing that, for a single related information is executed, or, for a plurality of related information, one of the plurality is executed.

A picture image of the information picture is displayed for registration of the picture image obtained from an information provider. The picture image sent from information provider is displayed in a first area. When the picture image is selected, the related information is displayed according to picture image in which registration is selected within the first management. When the picture image is selected and at least one related information on the basis of this operation is selected to start any processing. When there are multiple related

information, the apparatus selects any one of them to start any processing based on that information. That is, this second management area has picture images being a guide on new operation with picture images displayed within this area being guide to the related information. Oubl. App. pars. [0122]-[0125] and FIG. 6.

Applicants representative thanks the Examiner for providing the clear explanation of the broad interpretation being given to Merriman in the Advisory Action. The Advisory Action asserts Merriman relates to a television receiving media information ("picture information") and insert advertisements ("related information") to the received media. Moreover, Merriman, it is contended, provides a predictive model that is executed I relation with or as a function of inserting advertisements to the media, citing Merriman col. 2, line 18 to col. 3, line 10; and col. 4, line 15-col. 5, line 59.

Applicants have provided definitions for the claim terms and amended the claims to avoid the Merriman reference.

For reasons similar or somewhat similar to those recited above regarding claim 22, claim 21 is also patentable.

### CONCLUSION

Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By: 

Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800